

CM/ECF Newsletter

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Mandatory Electronic Filing begins October 1, 2004

Certification & Training

Judge Cornish has announced effective October 1, 2004 all pleadings filed by attorneys must be filed electronically. A General Order outlining this requirement will be filed soon and will be available on our website when it is entered. Since the Judge has made this announcement, we have increased the number of our training classes and they are filling up quickly. The majority of our classes are held at the Bankruptcy Court in Okmulgee but we have also held classes in Oklahoma City, as an assistance to our practicing attorneys that live in that area of the state.

Attorneys that have not yet taken our training or who have staff that still need to take the training, may sign up for class by visiting our website at www.okeb.uscourts.gov, Click on the *CM/ECF* button then click on *Check Training Schedule*.

If our September classes are full, please check the October and November calendars for openings.

Attorneys will also earn four hours of free CLE credit, including one-half hour of ethics for attending the training class.

If you have trained and are certified in another Bankruptcy Court, you will not be required to attend our training class.

You should review our Administrative Procedures, Motion and Order Practice online, then after you have successfully completed an office exercise and submitted

it to the Court, you will receive your login and password for filing in the Eastern District.

Online Training Manual

We have a very helpful Online Training Manual that you may access through CM/ECF or through our website.

We have made it possible to have the Online Training Manual on your screen at the same time you are logged into ECF. This allows you to have step by step directions for the pleadings you choose to file.

For those of you that have trained in another District, we would strongly suggest utilizing the Online Training Manual when filing documents.

The Online Training Manual also allows us to update any changes in procedures.

If you have any suggestions for changes in the Training Manual, please let us know.

The online Manual also has a section on E-Orders which are being utilized in our court. On the bottom half of the online Manual, you will find additional information regarding our Motion and Application Practice. You will also find many helpful directions under *Before you File* and *Frequently Asked questions*.

The section *Before You File* includes directions on how to print and scan to PDF, how to reduce the PDF file size, and how to insert or move PDF pages.

The section *Frequently Asked Questions* addresses many issues that have been important to other filers and may be of importance to you.

Hearing and Objection Dates are Now Available Online

When you are filing a motion in our Court, simply go to the home page or *Forms & Filing Info.* page of our website and click on *Hearing Dates*. Choose the correct chapter of the case in which you are filing your motion, scroll down the list of motions, click on the appropriate motion. If your specific motion is not listed, you should choose General Motions. The screen will provide the objection date, the hearing date, time and location. It will also tell you which Form 20 to use for filing the Notice of Motion. You may click on the Form 20 and fill it in online.

Please make sure you utilize the correct Form 20. The drop down box will show you which Form 20 to utilize for the type of motion you are filing. All motions do not use Form 20A. The dates given may only be used on the day you file your motion. It is important that you **electronically file and mail by U.S. mail to the parties not receiving electronic notice** your motion and Notice of Motion on the same day you obtain the dates because the dates will change the following day.

FORM 20A

Utilizing this form will allow the parties to know the hearing date as soon as the motion is filed. It is important to remember that this is the only Notice of the Hearing that will be given. If an objection is filed the Movant and the opposing parties must attend the hearing. If an objection is not filed by the specified date, the hearing will automatically be stricken and the proposed order will be submitted to the Judge for signature.

FORM 20C

Certain motions require a hearing. In such instances the matter is set for hearing. The hearing will not be stricken for failure to file an objection and the Movant must appear at the hearing.

FORM 20B

Form 20B is used for Notice of Hearing and Notice of Deadline to file a Response for Objections to Claims and Objections to Exemptions. In this instance, a hearing will be held even if no response is filed. The objecting party must appear at the hearing.

FORM 20D

Form 20D is used for Notice of Motion for Hardship Discharge in a Chapter 12 or 13. Notice must be given to all creditors and a hearing will be held even if no objection is filed. The Movant must appear at the hearing.

FORM 20E

Form 20E is used for Applications for Compensation if the Request is less than \$1000. If no objection is filed to the Application, the hearing will automatically be stricken and the proposed order will be submitted to the Judge for signature.

FORM 20F

Form 20F is used for Applications for Compensation if the Request is over \$1000. The hearing will not be stricken for failure to file an objection and the Applicant must appear at the hearing.

Motions for Relief from Stay, Abandonment, or Alt. Adequate Protection

If you are filing a motion requesting multiple relief, you must pick each type of relief sought from the event list. We have listed the four most commonly filed motions at the top of our event list.

When you are at the screen showing the filing fee charged for a Motion for Relief from Stay and Abandon, two 150. filing fee boxes will be shown without the \$. You will need to delete one 150. from one of the fee boxes and replace it with 0.00 to keep your credit card from being charged \$300. Do not include a \$. Do not wait until you receive the pop up Screen asking you to Pay Now or Continue Filing. If you see \$300.00 at the pop up screen, you will need to call the court immediately. To avoid being overcharged.

Chapter 13 Docket goes on the Road

The Court will conduct a Chapter 13 Docket and the Trustee will hold Section 341 First Meeting of Creditors on October 21, 2004 and November 18, 2004 in the Carl Albert Federal Building in McAlester.

New Adversary Summons Procedure

When you file an Adversary Proceeding, you will no longer need to wait for our Court to mail you the issued summons. The summons will be automatically filed, issued by our Court, and included in the NOTICE OF ELECTRONIC FILING as a hyperlink. Click on the **summons issued** hyperlink to print out your signed, dated, and sealed summons for you to serve immediately with your filed complaint. The Summons does not have the second page for the Return of Service. As a result, you must fill out the Return of Service form that is available through our website. Click on the *Forms* button, then look under Adversary Forms for Certificate of Service.

New PDF Fillable forms

- For your convenience, we now have the following PDF fillable forms on-line:
1. Form 20A, 20B, 20C, 20D, 20E, and 20F Notices.
 2. Adversary Proceeding Cover Sheet (B104).
 3. Proof of Claim (B10).
 4. Return of Service.

Common Problems

Opening a New Case

When putting on new cases with a husband and a wife filing jointly, the role type of the first debtor should be **Debtor** and the role type of the next debtor should be **Joint Debtor**. The husband and the wife should not both have a role type of **Debtor**.

E-mail Notice

We are getting many returned e-mails when attorneys' mailboxes are full. Therefore, please try to remember to clear your mailboxes everyday so that the e-mails will not be returned to us and you will know when additional documents are filed in your cases. Many attorneys are making a new e-mail account for their ECF filings. This works out great for the court and the attorneys because the attorney does not have any personal mail mixed in with the bankruptcy mail and the court never gets any reply of "out of office". Please remember to notify the Court if you change your primary e-mail address. This notice should be in writing via fax or first class mail.

Certificate of Mailing

All Certificates of Mailing should be filed on the same day the pleadings are filed. All pleadings filed should have a Certificate of Mailing filed thereafter, even if all pleadings were served electronically. We require that your Certificate of mailing state who received notice by U.S. Mail and show who received notice electronically by attaching the "Notice of Electronic Filing" to your Certificate of Mailing when you file it.

Motion to Modify Chapter 13 Plan

When Motions to Modify a Confirmed Plan in a Chapter 13 are filed, they are often linked incorrectly to the Modified Plan. They should be linked to the Confirmed Plan.

Witness and Exhibit Lists

When filing witness and exhibit lists, please make sure you have your signature on the lists. Also, you should not attach or file the exhibits with the exhibit list.

Exhibits are to be exchanged between the parties and two copies submitted by mail to the Judge. Exhibits are not filed with the Court but introduced, at the time of the trial. The exhibits introduced at the trial should be left with the Court Reporter.

Proper Signatures

According to our Administrative Procedures, signatures should be shown as s/John Doe, with the name typed out. Many documents have been submitted without a signature and may be returned so please remember to show signature on all pleadings.

Amended Matrix

Please remember to upload the new creditors when you file an Amended Matrix or Amended Schedules and Amended Matrix. Click on *Creditor Maintenance* then click on the *Enter Individual Creditors* or *Upload a creditor matrix* file if you have numerous creditors to add.

E-Orders

Please remember to add to your proposed orders the wording **MOVANT SHALL NOTIFY ALL INTERESTED PARTIES OF THIS ORDER**. If your proposed Order is more than one page in length you need to put the 4- inch margin on the top of the first page only.. You may put your firm name and address on the proposed Order below the three pounds signs (###). Please do not include any blank lines to be completed in in your proposed Order.

E-Orders should be uploaded to the proper order type. Some attorneys are uploading their orders as Expedited. This should be done only at the request of Judge Cornish's Chambers.

If the Order relates to an Application that does not require notice, upload the order: **EX PARTE**.

If the Order relates to a pleading that a hearing was set and has been held and you were ordered to submit an Order from court, upload the Order: **HEARING HELD**.

If the Order relates to a Motion, an Objection to Claim or Exemption and a Form 20 Notice of Motion or Objection is being filed, upload the Order: **HEARING SCHEDULED**.

If the Order is an Agreed Order and there is no Motion on file or you are filing an Agreed Order as a result of an Objection being filed and you do not want to come to the hearing, you should upload the Order: **OTHER (always call the court if a hearing is scheduled)**

If Judge Cornish's Chambers has called you and directed you to upload an Order to replace another Order, the court will instruct you to upload it under **EXPEDITED**. This is the only time "Expedited" should be used.

Helpful Hints

If you think you may have missed some pleadings in your e-mail, if you are not where you have access to your e-mail, or your computer is down, you may log on to ECF at any computer that has internet access and click on *Reports* then *ECF Summary* then type in the date you would like to see, and choose *Summary* or *Full Text*. You will receive a report of the pleadings that have been filed in cases in which you are associated and should have received an e-mail.

If you would like to see the documents you have filed, payments made, and orders uploaded on a given day, you may click on *Utilities* then click on *View your Transaction Log* then type in a date or date range and see a list of everything you have filed.

Help Desk Phone Number

We have a Help Desk Phone. The telephone number is 918-759-HELP. If you are having trouble filing electronically and need assistance, please feel free to use this number. It should be manned from at least 8:00 A.M. to 8:00 P.M. Monday through Friday and may also be available at other times as well. During office hours please feel free to call our office at 918-758-0126 and speak with any one of our staff.

Public Access Room

We have a Public Access Room available with computers and a high speed scanner for your use. This is across the hall from the Clerk's Office on the Second Floor. If you are at the Courthouse for a Court Hearing, 341 Meetings, or any other purpose, you are welcome to use our equipment in the Public Access Room.

Also, any attorneys who have taken the training but have not yet completed their take-home exercise, you may work on it in the Public Access Room and may schedule assistance with our staff.

FTR Gold

For those of you who are familiar with the FTR Gold Recording System utilized in the Northern District of Oklahoma Bankruptcy Court, we will be obtaining the same system soon.

Filing Statistics

We are beginning our sixth month of filing electronically and we are already receiving almost 50% of our new petitions electronically. Our Court wishes to thank all of you for your hard work and making the transition to Electronic Case Filing possible.

We also appreciate your patience in dealing with us during this transition period.

Transcripts

Parties who need to order transcripts from the court may now pay Palmer Reporting directly by using their credit card. The Transcript Order must still be filed with the court; however the payment does not need to be handled by the Court.

Attorney Login and Password

Attorney logins and passwords are issued to certified attorneys and are for the use of the certified attorney only. The signature on the filed pleading must match the name of the attorney assigned to the login and password. Non-certified attorneys in a firm desiring to electronically

file must attend training and become certified. Non-certified attorneys may not use another firm member's login and password to file documents.

Once a certified attorney receives a live login and password, please immediately change your password to something different than what we have given you to protect your security.

Errors in filing

If you make an error when filing a pleading, please call the office first before filing another pleading to try and correct the error. Our office may be able to correct the error without an additional filing.

Blank Pages

We are finding many blank pages in PDFs. It is very important that you not only open your PDFs and check the styling but you must check each page to see if you are missing pages or if you have blank pages.

We Have a New Type Under Attachments

For your convenience, we have added NEF Motion and NEF Notice of Motion in the drop down box in *type* under *Attachments*.

Filing a New Adversary Proceeding

Please use the Attorney Online Manual when filing a new adversary proceeding. Many are filing a complaint and summons in the main bankruptcy case by choosing the event *complaint & summons* under *Adversary* rather than choosing *Open AP* and opening a new adversary proceeding. The Attorney Online Manual will give you step-by-step procedures for the correct way to open the new adversary.

Do not forget to file your adversary coversheet. You may file the coversheet as an attachment to the complaint or as a separate pleading.

Trustee's, Debtors, and Debtors-in-Possession filing adversary proceedings need to 0.00 out the filing fee before getting to the pop up fee screen. If you do get to the pop up fee screen, call the court immediately to adjust the fee.

Adding New Parties

If you are adding a new party to the data base, such as: debtor, creditor, plaintiff, or defendant do not type in their name in all capitalization.

Case Upload

If you are using case upload and you want to pay in installments you need to click on *continue filing* and call the court immediately so you are not charged the full amount.

A Note About the Free Look

We are currently on ECF version 2.3. Which allows you to have a one time free look of your documents on the primary e-mail account and on the first listed secondary e-mail account.

When we upgrade to ECF version 2.5 in mid September you will be allowed a one time free look at your documents on the primary e-mail account and on all accounts listed in the secondary e-mail accounts.

Please note if you currently have more than one e-mail address in the secondary account you will be charged for documents on the second, third, fourth and fifth e-mail accounts until we upgrade to 2.5. We will advise you when the upgrade has been implemented.

Another note about the free look: the free look expires after 15 days. You need to open your e-mail as soon as possible, review your filings, open the

document free of charge, save the document as a PDF, then discard the e-mail.

PDF Web Site

Web site for Lawyers. This may interest you: <http://www.pdfforallawyers.com>
We do not vouch for its accuracy. It is geared for lawyers wanting to e-file in Federal Courts.

Social Security Numbers

Please remember to leave the debtor's social security number off of all pleadings, documents, claims, attachments, and exhibits being filed in the bankruptcy case.

If you have suggestions

We are interested in your suggestions and comments. If you have suggestions for this newsletter please e-mail us at: courtinfo_okeb@okeb.uscourts.gov.

Credit Card Information

The credit card information screen will change when we implement version 2.5. When the "Pay Now" is selected, the user is presented with a payment screen that includes the cardholder name, address and payment type. The name and address will default to the information that is listed in the CM/ECF "Maintain Your ECF Account." Users should be aware that changing the information at the payment screen does not affect their CM/ECF account.